

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the undersigned would like to thank the Examiner for the courtesy and assistance extended on behalf of the Applicants during the telephonic interview conducted on March 5, 2010, with the undersigned.

In the Final Official Action, the Examiner rejected claims 1, 6, 7, 16-18, 20, 23 and 24 under 35 U.S.C. § 103(a) as being unpatentable over JP 02000279418A to Suzuki (hereinafter "Suzuki") in view of U.S. Patent No. 5,782,834 to Lucey et al., (hereinafter "Lucey").¹ Furthermore, the Examiner rejected claims 10, 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of U.S. Patent No. 6,066,102 to Townsend et al., (hereinafter "Townsend"). Lastly, the Examiner rejected claim 19 under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of U.S. Patent No. 6,110,127 to Suzuki, (hereinafter "Suzuki '127").

In response, Applicants have amended claim 1 and 10 as suggested by the Examiner during the telephonic Interview. Specifically, the Examiner indicated that such claims would be allowable if amended to include:

- a) A tip cover (e.g., 11 in Figures 2A and 2B and paragraph [0077]), including: a portion having a circular cross section on the proximal end and flat portions on a distal end thereof; where the flat portions are formed on an external surface on the distal end portion of the tip cover; and
- b) A nozzle (e.g., 13, Figures 2A and 2B) that is configured for receiving tissue cut by the forceps.

¹ Although the Examiner rejects claim 17, the same was canceled in response to the previous Official Action.

Thus, independent claims 1 and 10 have been amended to clarify such features.

Specifically, claim 10 has been amended to recite a medical instrument comprising:

a tubular sheath;
a tip cover positioned on a distal end of the tubular sheath, the tip cover having a swingable operating section on a distal end portion of the tip cover, the swingable operating section formed of a pair of forceps, each of which rocks individually around a respective first rocking axis corresponding thereto; the tip cover further having a proximal end portion having a circular cross section perpendicular to a longitudinal central axis of the circular cross section and a pair of parallel flat portions symmetrically formed on an external surface of the distal end portion, the pair of parallel flat portions being in sliding contact with respective proximal end portions of the forceps;
a nozzle extending from the tip cover and configured for receiving tissue cut by the pair of forceps;
a pair of manipulators which advance and retreat along the longitudinal central axis of the tubular sheath, thereby rocking the forceps around the first rocking axis; and
a pair of junctions which respectively connect the manipulators for rocking motion around a second rocking axis to the forceps in the flat portions, the junctions being situated substantially on a reference plane containing the longitudinal axis of the tubular sheath and extending parallel to the second rocking axis, when the operating section is closed;
wherein the first rocking axis of each forceps is not on the reference plane when the operating section is closed.

Similarly, claim 10 has been amended to recite a medical instrument comprising:

a tubular sheath;
a tip cover positioned on a distal end of the tubular sheath, the tip cover having a swingable operating section on a distal end portion of the tip cover, the swingable operating section formed of a pair of forceps, each of which rocks individually around a respective first rocking axis corresponding thereto; the tip cover further having a proximal end portion having a circular cross section perpendicular to a longitudinal central axis of the circular cross section and a pair of flat portions formed on an

external surface of the distal end portion by cutting the opposite sides of the circular cross section, the pair of parallel flat portions being in sliding contact with the respective proximal end portions of the forceps, a nozzle extending from the tip cover and configured for receiving tissue cut by the pair of forceps; and

a pair of junctions formed integrally with the flat portions so as not to project into the bore of the distal end portion, said junctions being situated substantially on a reference plane when the operation section is closed;

wherein the rocking axis of each forceps is not on the reference plane when the operating section is closed.

The dependent claims have also been amended, where necessary, to be consistent with their amended base claim. The amendments to claims 1 and 10 are fully supported in the original disclosure. Thus, no new matter has been introduced into the disclosure by way of the present amendments to independent claims 1 and 10.

Consequently, the Examiner is respectfully requested to withdraw the rejections of the claims under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

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